IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

WEDNESDAY, THE 5TH DECEMBER 2007 / 14TH AGRAHAYANA 1929

LA.App..No. 193 of 2004()

LAR.4/1998 of SUB COURT, HOSDRUG
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APPELLANT: CLAIMANTS
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1. K.P.BEEPATHUMMA W/O. ABDULKHADER

2. KADEEJA W/O. ABDULLA.

3. BEEPATHUMMA W/O. B.MOHAMMED
(ALL ARE RESIDING AT PALLIKKARA OF
PALLIKKARA VILLAGE)

BY ADV. SRI.M.RAMESH CHANDER

RESPONDENTS: RESPONDENTS
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1. DISTRICT COLLECTOR, KASARAGOD.

2. B.R.D.C. THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SMT.LATHA T.THANKAPPAN.

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 05/12/2007, ALONG WITH LAA 562/04 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A.Nos.193, 530, 531, 562 of 2004 and 639 of 2005

Dated this the 5th day of December, 2007

JUDGMENT

Kurian Joseph,J.

These are appeals filed by the claimants aggrieved by the fixation of land value by the reference court. The acquisition is for the purpose of Bekal Tourism Project. It is seen that the reference court has followed the land value fixed in L.A.R.No.57/1997 wherein the land value fixed is Rs.6500/- per cent. That value has become final in view of the judgment of this court in L.A.A.No.1476/1998 (Ext.A6). It is the contention of the claimants that their property is cultivated with paddy and tobacco whereas in L.A.R.No.57/1997 the property is garden land. In respect of garden land the Land Acquisition Officer fixed the land value at Rs.2,941/- per cent which has been enhanced to Rs.6500/- per cent. In the case of property cultivated with paddy and tobacco the Land Acquisition Officer himself has fixed Rs.4585/- per cent and hence they are entitled for proportionate enhancement. This crucial contention requires factual

verification by the reference court. Therefore, we set aside the judgment and decree in all these cases and remit the matters to the reference court for fresh consideration. The parties shall appear before the reference court on 11-1-2008 and the reference shall be answered within a period of another six months. The parties shall be at liberty to adduce fresh evidence. In view of the remand as above the parties are entitled to refund of court fee paid.

(KURIAN JOSEPH, JUDGE)

(HARUN-UL-RASHID, JUDGE)

ahg.

KURIAN JOSEPH &
HARUN-UL-RASHID, JJ.

L.A.A.Nos.193, 530,
531, 562 of 2004
and 639 of 2005

JUDGMENT

5th December, 2007